

STATE BOARD TO REVIEW CLAIMS  
MEETING OF September 9, 2004  
Videoconference - Carson City and Las Vegas, Nevada

ITEM	IV.B.
SUBJECT:	Resolution to Amend State Board to Review Claims' (Board) December 11, 2003 Resolution No. 2003-23 Thereby Granting Full Petroleum Fund Coverage to 7-Eleven #22070, 7921 South Las Vegas Boulevard, Las Vegas: Facility ID #8-000578; Petroleum Fund (Fund) Case ID# 1999000244
DISCUSSION:	At the December 11, 2003 meeting of the Board, Resolution #2003-23 was approved. It provided the subject underground storage tank (UST) with Fund coverage with a 40% reduction for failure to comply with release reporting and UST general operating requirements from September 1999 to January 2000. Review of files recently discovered and not previously submitted to Fund staff indicate that 7-Eleven had been in compliance with reporting and operating requirements at the subject facility during the time in question.
RECOMMENDATION:	<b>Adoption</b> of Resolution #2004-04 as proposed, amending Resolution #2003-23 to provide full Petroleum Fund coverage.

STATE BOARD TO REVIEW CLAIMS

RESOLUTION NO. 2004-04

Resolution to Amend Resolution #2003-23 to Grant Full Petroleum Fund (Fund) Coverage  
7-Eleven #22070  
7921 South Las Vegas Boulevard, Las Vegas, Nevada  
Petroleum Fund Case ID # 99-244  
Facility ID #8-000578

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Whereas, the State Board to Review Claims (hereinafter referred to as the Board) Finds:

1. SECOR International Incorporated and 7-Eleven, Inc. recently reviewed their files and discovered additional documents regarding this facility that were not previously submitted to Fund staff (Attachment 1).
2. The premium unleaded underground storage tank (UST) in question was constructed of single-walled fiberglass reinforced plastic with a lined interior. It did not pass successive statistical inventory reconciliation (SIR) tests from September 1999 to January 2000.
3. At the December 11, 2003 meeting of the Board, Resolution #2003-23 (Attachment 2) was approved. It provided the subject UST with Fund coverage with a 40% reduction for failure to report, investigate, and confirm repair of the release.
4. Newly submitted documents indicate that Clark County Health District and the Nevada Division of Environmental Protection (NDEP) received notification about the test failures.
5. During this time the UST in question also passed precision tightness tests conducted on October 14, 1999, November 18, 1999, as well as January 28, 2000. Thus 7-Eleven did not believe that further investigation was necessary.
6. After the UST in question failed both SIR and precision tightness tests on March 20, 2000, an investigation subsequently discovered a 12-inch break in the shell wall of the tank. The UST was removed from service and a spill report form was filed with the NDEP on March 31, 2000.
7. The UST was repaired and newly submitted documents indicate that a precision tightness test was conducted on May 4, 2000 that confirmed that the tank was free of leaks.
8. Because documents have become available showing that 7-Eleven was in compliance with reporting, investigating, and operating requirements at the subject facility during the time in question, NDEP therefore recommends that the subject facility receive full Fund coverage.

THEREFORE BE IT RESOLVED:

- 1) The Board finds that based on files previously not made available to Fund staff, 7-Eleven had been in compliance with reporting and operating requirements at the subject facility during the time in question.
- 2) The Board finds that gasoline contamination at the subject facility was discovered upon receipt of the September 1999 failed SIR record for the premium UST.

- 3) The Board finds that the September 1999 and subsequent SIR results were reported to the NDEP.
- 4) The Board finds that although the UST did not pass successive SIR tests from September 1999 to January 2000, it did pass precision tightness tests conducted during this time.
- 5) The Board finds that the conflicting test results led 7-Eleven to believe that further investigation was not warranted.
- 6) The Board finds that a 12-inch break on the shell wall of the tank was subsequently discovered and repaired.
- 7) The Board finds that the UST was repaired and a precision tightness test was conducted on May 4, 2000, which confirmed that the tank was free of leaks.
- 8) The Board amends the original resolution and grants full Petroleum Fund coverage in addition to the 10% co-payment effective for all claims for expenses incurred by 7-Eleven to remediate the petroleum hydrocarbon release discovered during October 1999 at 7-Eleven #22070, 7921 South Las Vegas Boulevard, Las Vegas.

I, John Haycock, Chairman, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Nevada State Board to Review Claims on September 9, 2004.

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John Haycock, Chairman  
State Board to Review Claims

ATTACHMENT 1:  
STATEMENT REGARDING DOCUMENTS  
PREVIOUSLY NOT SUBMITTED  
TO PETROLEUM FUND

ATTACHMENT 2:  
STATE BOARD TO REVIEW CLAIMS  
RESOLUTION NO. 2003-23